

REMARKS/ARGUMENTS

Claims 38 - 49 are currently pending in the application. Claims 38 – 49 are rejected. Claims 38 and 41 are amended. No new matter has been added.

Section 112, First Paragraph Rejection

Claim 38 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action states in paragraph 3 that:

It is unclear to the Examiner as to how the at least one of the main controller and the touch position calculator are configured to determine the frequency of operation from a plurality of frequencies.

Applicants respectfully submit that “at least one of the main controller and the touch position calculator configured to determine the frequency of operation from a plurality of frequencies” as recited in claim 38 is described in the specification with reference to the figures. For example, Figures 26 and 27 are provided below:

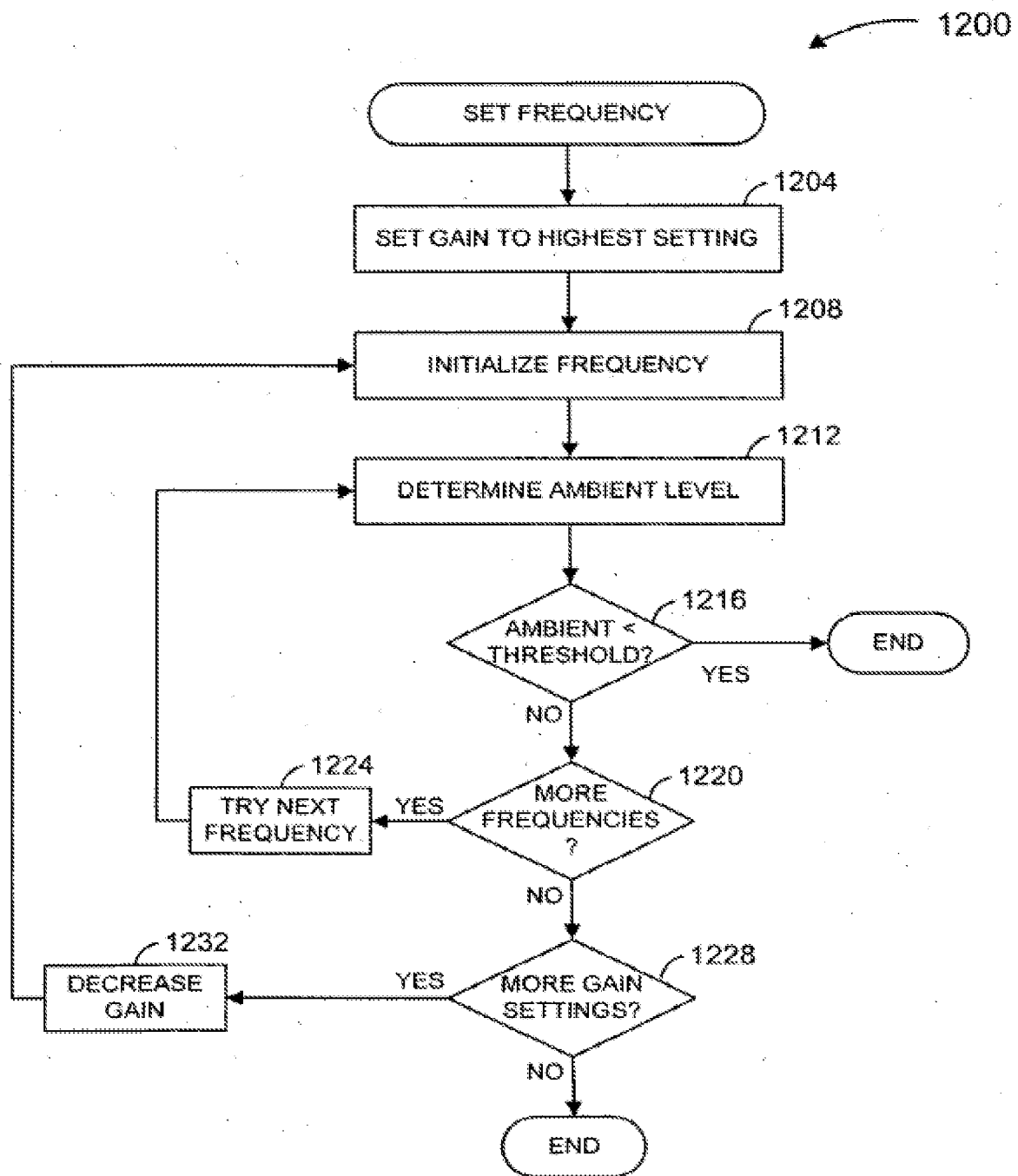


FIG. 26

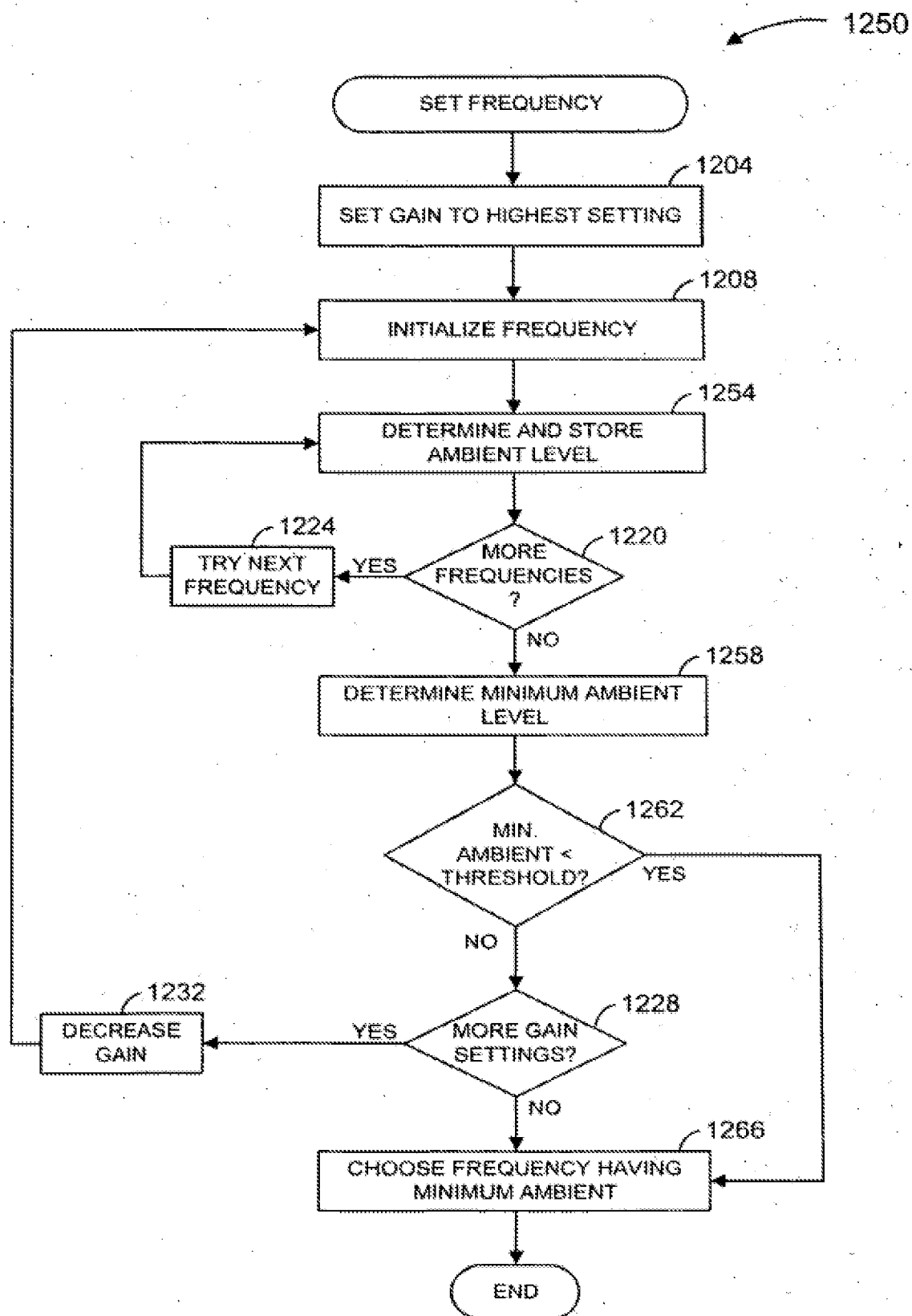


FIG. 27

In this example, the specification describes on page 38, lines 15-16, page 39, line 5, lines 17-20, page 40, lines 1-4, 7-11, 15-16, 21-24.

Fig. 26 is a flow diagram illustrating an embodiment of *a method 1200 for setting an operating frequency* of a touch screen unit . . . *At a block 1212, an ambient level may be determined . . .* At the block 1220, it may be determined if there are more frequencies available to try. *If there are more frequencies, the operating frequency may be set to a new frequency at a block 1224.* Then, the flow may proceed back to the block 1212 . . . Then, *the operating frequency may be set to the frequency corresponding to the minimum ambient level . . .* Fig. 27 is a flow diagram illustrating another embodiment of *a method 1250 for setting an operating frequency* of a touch screen unit . . . *At the block 1254, the ambient level may be determined* as described with reference to block 1212 of Fig. 26, and the ambient level may be stored. *If more frequencies are available and after setting the operating frequency to a next frequency, the flow may proceed back to the block 1254 . . .* At the block 1266, *the operating frequency may be set to the frequency corresponding to the minimum ambient level . . .* The touch screen controller 1012 (Fig. 24) may be configured according to software instructions to implement at least portions of the methods 1200 and 1250 as described with reference to Figs. 26 and 27. The controller 100 (Fig. 3) could implement at least portions of the methods 1200 and 1250 as well.

(Emphasis added)

Hence, the specification describes, as an example, that the touch screen controller 1012 and the controller 100 could implement at least portions of the methods 1200 and 1250, which describe that the operating frequency may correspond to the minimum ambient level from a plurality of ambient levels, determined at block 1212, corresponding to a plurality of frequencies, referred to by block 1220. Accordingly, the specification provides examples of how “at least one of the main controller and the touch position calculator” are configured to determine “the frequency of operation from a plurality of frequencies” as recited in claim 38. Thus, claim 38 satisfies the written description requirement of Section 112, first paragraph.

Section 112, Second Paragraph Rejection

Claims 38, 48, and 49 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action specifically states in paragraph 5:

It is unclear to the Examiner which plurality of frequencies are used to allow the main controller and the touch position calculator to determine the frequency of operation. Furthermore, the terms "plurality of ambient levels" and "plurality of frequencies" are vague in indefinite terms and lack to distinctly claim the subject matter which is the invention.

Applicants respectfully submit that "at least one of the main controller and the touch position calculator configured to determine the frequency of operation from a plurality of frequencies" as recited in claim 38, "the plurality of frequencies" as recited in claim 48, and the "plurality of ambient levels" as recited in claims 48 and 49 are clear. For example, page 38, lines 15-16, page 39, line 5, lines 17-20, page 40, lines 1-4, 7-11, 15-16, 21-24 of the specification are described above with reference to Figures 26 and 27. Hence, the specification describes that the operating frequency, which is one of the frequencies, may correspond to the minimum ambient level from a plurality of ambient levels corresponding to the frequencies. Thus, the specification provides examples of the plurality of frequencies and the plurality of ambient levels. Hence, the "plurality of frequencies" as recited in claims 38 and 48 and the "plurality of ambient levels" as recited in claims 48 and 49 are clear. Hence, claims 38, 48, and 49 are clear.

Section 102 and 103 Rejections

Applicants respectfully submit that the plurality of Claims 38-49 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bertram et al. (US 6,476,798), referred to as Bertram.

Bertram describes a reduced noise touch screen apparatus and method. As shown below in Figures 1 and 4, the apparatus includes a plurality of electrodes (102a, 102b, 102c, and 102d), an operational amplifier (OP amp) (418), a plurality of resistors (430, 432, 434, 436), an oscillator 438, and a filter 440.

Fig. 1

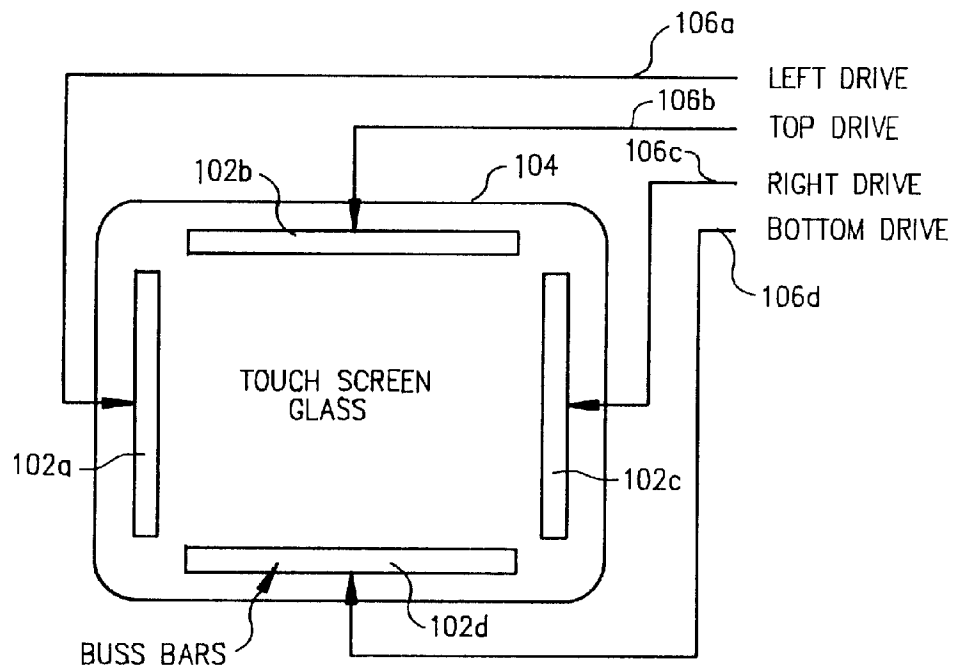
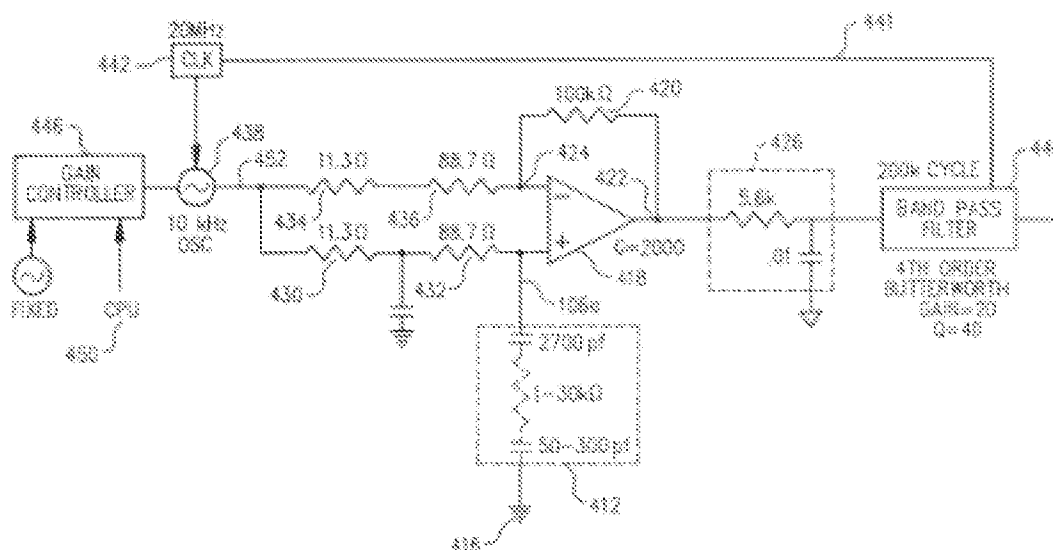


Fig. 4



A “signal provided to the electrode 102a (via resistors 430, 432) as well as provided to the negative input of the OP amp 418 (via resistors 434, 436) has a generally sinusoidal form provided at a frequency such as 10 kilohertz 438. Similar circuitry is used to provide signals to (and samples signals at) the other electrodes 102b, 102c, 102d, although the phase of the four signals are preferably offset 90°” (col. 4, lines 55-62).

Bertram does not describe or suggest a gaming apparatus as recited in claim 38. For example, Bertram does not describe or suggest that “*both the first multiplier and the second multiplier are configured to receive the first sensed signal*” (*Emphasis added*). The first and second multipliers of claim 1 are coupled to the first sensor that is coupled to the first electrode of claim 1. Bertram describes that a “signal provided to the electrode 102a (via resistors 430, 432) as well as provided to the negative input of the OP amp 418 (via resistors 434, 436) has a

generally sinusoidal form provided at a frequency such as 10 kilohertz 438. Similar circuitry is used to provide signals to (and samples signals at) the *other electrodes* 102b, 102c, 102d, although the phase of the four signals are preferably offset 90°” (*Emphasis added*). This description in Bertram of providing signals to the *other electrodes* does not describe or suggest that “*both the first multiplier and the second multiplier are configured to receive the first sensed signal*” generated by the first sensor coupled to *the first electrode* (*Emphasis added*). Hence, for at least the reasons set forth above, claim 38 is patentable over Bertram.

Claims 39-49 depend from independent claim 38, which is patentable over Bertram for at least the reasons set forth above. Accordingly, claims 39-49 are also patentable over Bertram. Hence, Applicants respectfully request that the Section 102 and 103 rejections of claims 38-49 be withdrawn.

Clarification of Official Notices

Applicants respectfully traverse a plurality of Official Notices in the Office Action. Specifically, the Office Action states on page 5 that:

Bertram et al. teaches the main controller being programmed to cause the display unit to generate a first game display relating to one of the following games: poker, blackjack, slots, keno or bingo, the main controller being programmed to receive player input data via the touch screen unit [**column 2, lines 8-11**], the main controller being programmed to determine a value payout associated with an outcome of the game. Using the touch screen with an electronic slot machine encompasses games such as: poker, blackjack, slots, keno, bingo or any other game which all would determine payout according to the game played. This is something that at the time of the applicant's invention was well known in the art.

Applicants respectfully request the Examiner to clarify “[t]his” as recited in the sentence “[t]his is something that at the time . . . art”. For example, Applicants respectfully request the Examiner to point to specific claim language in claim 38 referred to by the word “[t]his”.

Moreover, the Office Action further states on page 7 that:

Bertram et al. teaches the ADC to convert from all filters, therefore, one ADC completes the job of having multiple ADCs in a circuit. Multiplying parts in a circuit that essentially performs the same function as a circuit without multiple parts was well known to someone skilled in the art at the time of the invention.

Applicants respectfully request that the Examiner clarify which of the presently pending claims is referred to by the sentence “[m]ultiplying parts in a circuit . . . of the invention”.

Accordingly, Applicants respectfully request that the Official Notices be clarified.

Conclusion

In view of the foregoing, Applicants herewith petition for a one-month extension of time and believe all claims now pending in this application are in condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (510) 663-1100.

Respectfully submitted,

/ David P. Olynick /

David P. Olynick
Registration No. 48,615
Weaver Austin Villeneuve & Sampson LLP
P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100